



United States Court of Appeals
for the Fifth Circuit

United States Courts
Southern District of Texas
FILED

August 12, 2025

Nathan Ochsner, Clerk of Court

Certified as a true copy and issued
as the mandate on Aug 12, 2025

Attest:

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 24-40700

United States Court of Appeals
Fifth Circuit

FILED

July 22, 2025

Lyle W. Cayce
Clerk

DARRYL GEORGE,

Plaintiff—Appellant,

versus

BARBERS HILL INDEPENDENT SCHOOL DISTRICT; LANCE
MURPHY; RYAN RODRIGUEZ,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:24-CV-12

UNPUBLISHED ORDER

Before HAYNES, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

The plaintiff-appellant in this case alleges that the defendants-appellees have unlawfully discriminated against him by imposing certain hairstyle requirements at his high school. The district court denied preliminary relief to restrain the school from further enforcement of its grooming policy against the plaintiff. This appeal was taken from that interlocutory order. The defendants have moved to dismiss the appeal on

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the premise that “graduation or impending graduation renders” a student’s “claims for injunctive relief” against a school “moot.” *See Pederson v. La. State Univ.*, 213 F.3d 858, 874 (5th Cir. 2000).

The plaintiff argues that he has a continuing stake in the controversy because of the collateral consequences of school discipline. The plaintiff alleged that he was “repeatedly and non-stop” disciplined by the school district and its employees, including long-term in-school suspension, arguing that an injunction was necessary to address harms including “damage to his educational and disciplinary file.” In his opposition to this motion, he reiterates that “[t]he disciplinary actions taken against him appear in his official records, affecting future employment, college applications, and/or military eligibility.”

We agree that formal school discipline, like a criminal conviction, can be expected to have collateral consequences on the student after the discipline concludes. *See* Eve Rips, *The Collateral Consequences of School Disciplinary Records*, 2024 Mich. St. L. Rev. 175, 185; *Bd. of Sch. Comm’rs v. Jacobs*, 420 U.S. 128, 128 n.*, 129 (1975) (per curiam) (noting, where case was dismissed for mootness because of the plaintiff students’ graduation, that the appeal did not implicate expungement from the students’ records). From the papers before us, we see no reason that a declaratory judgment that the challenged policies are unlawful would not redress those collateral consequences. And in any case, as the defendants concede, the plaintiff’s claims for damages would be equally unaffected by his graduation. *See Brinsdon v. McAllen Indep. Sch. Dist.*, 863 F.3d 338, 345 (5th Cir. 2017), *as revised* (July 3, 2017).

Nonetheless, this appeal comes to us in an interlocutory posture, and we are concerned only with the specific and preliminary relief requested. We are unable to see how, particularly in light of the opportunity for relief on the

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merits, the preliminary relief at issue in this appeal, involving enforcement of the school's grooming policy against a graduated student, has the potential to "affect the rights of litigants in the case." *DeFunis v. Odegaard*, 416 U.S. 312, 316 (1974) (quoting *North Carolina v. Rice*, 404 U.S. 244, 246 (1971)). And because we anticipate that continuing collateral consequences are likely to provide the plaintiff a justiciable stake in this controversy despite his graduation, we defer consideration of the contention that the issues are capable of repetition yet evade review. *See U.S. Navy SEALs 1-26 v. Biden*, 72 F.4th 666, 675 (5th Cir. 2023). Whether or not that is so will, if necessary, become clearer upon review of the whole case on the merits.

IT IS ORDERED that the appellees' motion to dismiss appeal as moot is GRANTED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
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August 12, 2025

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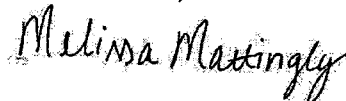
No. 24-40700 George v. Barbers Hill ISD
USDC No. 3:24-CV-12

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Melissa V. Mattingly, Deputy Clerk
504-310-7719

cc:

Mrs. Allie R. Booker
Mr. Jonathan Griffin Brush
Ms. Jennesa Calvo-Friedman
Ms. Amy Dawn Demmler
Ms. Alexandra Johnson
Mr. Brian Klosterboer
Ms. Linda Morris
Mr. Richard Alan Morris
Mr. Joseph Kelly Plumber
Mr. Kyle Stone